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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,064	11/19/2003	Tatsuki Matsumoto	NEKO 20.738	7229

26304 7590 07/19/2006

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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,064

Applicant(s)

MATSUMOTO, TATSUKI

Examiner

Kamran Afshar, 571-272-7796

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6-7 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/4/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen (U.S. Patent 6,078,806) in view of Lahteenmaki (U.S. Pub. No.: 2003/0183691 A1).

With respect to claims 1, 5, 9, Heinonen discloses the method and / or a portable telephone terminal device (See e.g. Co. 2, Line 8, mobile phone) comprising: a recording medium adapted to record information of a subscriber and / or arrangement for receiving request for a special fee (See e.g. ad-in card, Smart card, SIM card, User Identity Module UIM card, Subscriber Identity Module card SIM, or Universal Subscriber Identity Module USIM card, etc. Co. 2, Line 9), and means for restricting execution of a service that incurs payment except for a telephone call services based on information (See e.g. long distance call restriction information, foreign calls, service calls, etc. Co. 2, Lines 7-16). In an analogous field of endeavor, Lahteenmaki also discloses the method and / or a portable telephone terminal device comprising a comprising: a recording medium adapted to record information of a subscriber (See e.g. ad-in card, Smart card, SIM card, User Identity Module UIM card, Subscriber Identity Module card SIM, or Universal Subscriber Identity Module USIM card, etc. Page 4, Line 4-10 of ¶ [0065]). Further Heinonen discloses the well know arrangement for receiving and / or master-slave relation the recoding medium

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(See e.g. Page 5, ¶ [0068]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Lahteenmaki to Heinonen to implement use of well known master/slave communication or relation or protocol so that an arrangement is designed to enable electronic payment of purchases made with a mobile terminal or mobile phone (See Lahteenmaki e.g. Page 1, ¶ [0004]).

Regarding claim 8, Heinonen discloses recording medium is one of a User Identity Module (UIM) card, a Subscriber Identity Module (SIM) card, and a Universal Subscriber Identity Module (USIM) (See e.g. Co. 1, Lines 13-20).

Allowable Subject Matter

4. Claims 2-4, 6-7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
a) Levie (U.S. Patent 6, 783, 071 B2).


Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Feild, Joseph can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamran Afshar


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER